

REMARKS

Applicant wishes to thank the examiner for the courtesy extended to the undersigned representative during the telephone interview that took place on March 23, 2009. During the interview, there was discussion of the proposed amendments set forth above. Based on the examiner's comments, applicant believes that amendment of the claims in the manner indicated above will remove all outstanding rejections.

Applicant gratefully acknowledges that the examiner has indicated that the amendments made in the reply to the previous Office Action remove the rejections over the prior art.

The examiner has rejected claims 25-43 under 35 USC 112, first paragraph. Since the specific objections on which the rejection was based apply only to claims 25 and 29, applicant believes that the rejection does not apply to claims 40-43. Claims 25-39 have been canceled, rendering moot the rejection of those claims.

The examiner has rejected claims 25-43 under 35 USC 112, second paragraph based on three specific objections. Applicant believes that the proposed amendments set forth above will remove the first two specific objections raised by the examiner without raising new issues requiring further consideration or search.

The third specific objection is based on an alleged inconsistency between the step of casting the nickel-manganese-gallium alloy and subjecting the nickel-manganese-gallium alloy to directional solidification. Applicant contended in the reply to the previous Office Action that casting refers to pouring into a mold and does not require solidification, whereas the examiner has contended that casting includes both pouring molten metal into a mold and allowing the molten metal to solidify. In order to remove this alleged inconsistency, applicant proposes that claims 40 and 42 should be amended to clarify that the nickel-manganese-gallium alloy from the homogenizing step (now defined as step f) is poured (in step g) and is then subjected to directional solidification (in step h). The proposed amendments do not raise new issues because the examiner was apprised by applicant's previous comments on the examiner's specific objection to claim 13, lines 6-7 that applicant considered that casting refers to pouring.

Since the proposed amendments do not raise new issues requiring further consideration or search, applicant requests that the examiner

should approve entry of the amendments under 37 CFR 1.116 and allow claims 40-43.

Respectfully submitted,

/John Smith-Hill/

John Smith-Hill
Reg. No. 27,730

SMITH-HILL & BEDELL, P.C.
16100 N.W. Cornell Road, Suite 220
Beaverton, Oregon 97006

Tel. (503) 574-3100
Fax (503) 574-3197
Docket: OUTT 3399